

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re:	
Henry Bedford Debtor.	Bankruptcy 19-16254-amc
Henry Bedford Movant	Chapter 13
v.	Related to Doc. No. 75
NewRez LLC d/b/a Shellpoint Mortgage Servicing Respondents.	

**RESPONSE TO MOTION FOR SANCTIONS AGAINST CREDITOR NEWREZ LLC
D/B/A SHELLPOINT MORTGAGE SERVICING FOR VIOLATION OF FED. R.
BANKR. P. 3002.1**

NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Secured Creditor"), by and through its undersigned attorney, hereby files its Response to Motion for Sanctions against Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing for Violation of Fed. R. Bankr. P. 3002.1 ("Motion") (DE#75) and in support thereof states as follows:

1. The Debtor, Henry Bedford, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on October 3, 2019.
2. Secured Creditor holds a first lien on the subject property located at 66 Carmelita Drive Richboro, PA 18954 (the "Property").
3. On March 28, 2023, the Secured Creditor filed its Proof of Claim (See Claim No. 7-1). The Proof of Claim reflects that as of the Petition Date, Secured Creditor held a secured claim in the amount of \$194,954.93, with pre-petition arrears in the amount of \$4,422.75.
4. On September 14, 2023, the Secured Creditor filed a Transfer of Claim, transferring servicing from LoanCare LLC to NewRez LLC d/b/a Shellpoint Mortgage Servicing (DE# 71).
5. On December 14, 2023, Debtor filed a Motion for Sanctions Against Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing for Violation of Fed. R. Bankr. P. 3002.1 (DE# 75).

6. In their Motion for Sanctions, the Debtor asserts that the Secured Creditor's monthly statements represent conduct that must be sanctioned because the regular monthly payment asserted in the statement, is different than the amount listed in the Proof of Claim, and no Notice of Payment Change has been filed.

7. Bankruptcy Rule 3002.1(i) makes clear that sanctions by the Court are not mandatory, as indicated by the Debtor.

8. Rule 3002.1(i) shows that the Court may, after notice and hearing, take action.

9. In this case, the sending of the informational monthly statements are required under CFPB regulations, as such the statement do not represent sanctionable conduct.

10. As illustrated in the attached December 2023 statement, the statement was sent for informational and compliance purposes only. It was not an attempt to collect a debt from the Debtor.

11. Since the statement is not an attempt to collect a debt from the Debtor, then the statement cannot be considered as attempting to collect an amount beyond the amount listed in the Proof of Claim.

12. Secured Creditor reserves the right to amend and/or supplement this response as needed, and/or in response to any additional filing by any party.

WHEREFORE, Secured Creditor respectfully requests that the Court deny the Motion as Moot and for such other and further relief as this court deems just and proper.

Dated: December 28, 2023

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that I served the above captioned pleadings at the addresses specified below on **December 28, 2023**

The types of service made on the parties were:

By First-Class Mail:

Henry Bedford
66 Carmelita Drive
Richboro, PA 18954

MICHAEL I. ASSAD
Cibik Law, P.C.
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Philadelphia, PA 19102

KENNETH E. WEST
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

United States Trustee
Office of the U.S. Trustee
Robert N.C. Nix Federal Building
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Philadelphia, PA 19107

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